

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44466 of 2019

Arising Out of PS. Case No.-255 Year-2017 Thana- KISHUNPUR District- Supaul

1. Bala Kumari @ Bala Devi, Wife of Dutt Durga Tiwary Resident of Village - Piprahi, P.S.- Raghapur, District - Supaul.
2. Durga Dutt Tiwary, Son of Late Shubheswar Tiwari, Resident of Village - Piprahi, P.S.- Raghapur, District - Supaul.
3. Viveka Nand Sharma @ Bibeka Nand Sharma, Son of Kameshwar Sharma, Presently residing at R.N.S. Road Kankarbagh, P.S.- Kankarbagh, District - Patna. Supaul, Permanent Resident of Village - Pipra, P.S.- Raghapur, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vivek Kumar, Advocate.
For the State	:	Mr.Dinesh Singh,APP
For the Informant	:	Mr. Kamal Kishore Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 16-11-2019 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Kishanpur P.S. Case No. 255 of 2017, registered under Sections 419, 420, 467, 468, 469, 471 and 120(B) of the Indian Penal Code.

The accusation is that 47 decimals land of informant, Sanjay Kumar, under Khesra Nos. 694 and 695 of Khata No. 245 situated in village Kamaldaha was sold to Bala Kumari (petitioner no.1) through sale deed no. 4349 dated 18.06.2015 and sale deed no. 4666 dated 30.06.2015 and through two sale deeds, i.e., sale deed no. 4350 dated 18.06.2015 and sale deed no. 4667 dated 30.06.2015 executed in favour of Viveka Nand Sharma (petitioner no.2), on which, Prabhat Kumar and Pradeep Kumar are shown as witnesses by a fake person in the name of Sanjay Kumar



(informant).

Learned counsel for the petitioners submits that petitioner nos. 1 and 3 purchased the land through four sale deeds as detailed in the complaint petition which is the basis of FIR on payment of consideration money and petitioner no. 2 is the husband of petitioner no.1 and they had no knowledge that the person, who executed the sale deeds was not Sanjay Kumar, whose name is recorded in the revenue record. Further submission is that regarding the same dispute, Title Suit No. 220 of 2018 filed by the informant, Sanjay Kumar against the petitioner and other for cancellation of the said deeds is pending for disposal. Moreover, the dispute is of civil in nature.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned Chief Judicial Magistrate, Supaul, in connection with Kishanpur P.S. Case No. 255 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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